PATENT Case No. 21366

Page 1 of 2

JUL 1 9 2004 Page 1

## E UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Emini, Emilio A. et al.

Serial No. 10/645,883

Filed: August 21, 2003

For: ADENOVIRUS SEROTYPE 24 VECTORS, NUCLEIC

ACIDS AND VIRUS PRODUCED THEREBY

Art Unit:	1644	 
Examiner:		 

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

### **SUPPLEMENTAL**

# INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- 4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

\_Date + 15 04



# INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

	RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE	

If th	is is inconvenient, additional copies will be submitted upon reques	t.	
(	6. In accordance with 37 C.F.R. 1.97, (check one)		
	the attached information is filed within three months of the filing da	ite of the captioned case.	
	the attached information is filed more than three months after the Office Action on the merits.	filing date but prior to the m	ailing of a first
	the attached information is being filed more than three months after Office Action on the merits, but before the mailing date of a Final Action authorization is therefore given to charge Deposit Account No. 13-1.17(p).	Action or Notice of Allowand	ce. The enclosed
$\checkmark$	the undersigned certifies that each item of information contained in cited in any communication from a foreign patent office in a countermonths prior to the filing of this Statement.	n this Information Disclosur erpart foreign application no	e Statement was first ot more than three
	the undersigned certifies that no item of information contained in t a communication from a foreign patent office in a counterpart fore person signing the certification after making reasonable inquiry, w C.F.R. 1.56(c) more than three months prior to the filing of this Sta	gn application, and, to the lask known to any individual	knowledge of the
		Respectfully submitted,	
		////	
		By. Anna L. Cocuzzo	
		Attorney For Appl	icant(s)
		Reg. No. 42,452	<u></u>
		MERCK & CO., INC.	
		Patent Dept., RY60-30 P.O. Box 2000	
		Rahway, N.J. 07065-0907	•
		(732)594- <u>1273</u>	
		Date: <u>July 15, 2004</u>	

Substitute for form 1449B/PTO
INFORMATION DISCLOSURE
TRADE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

of

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Sheet

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# COMPLETE IF KNOWN Application Number 10/645,883 Filing Date August 21, 2003 First Named Inventor Emini, Emilio A. et al. Group Art Unit 1644 Examiner Name Attorney Docket Number 21366

	NON PATENT LITERATURE DOCUMENTS
Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	Barnett S. et al. "Prime-Boost Immunization Strategies against HIV", AIDS Research and Human Retroviruses, 1998, Vol. 14, Suppl. 3, pp. S-299-S-309
	Goossens, P. et al. "Infection Efficiency of Type 5 Adenoviral Vectors in Synovial Tissue Can Be Enhance With a Type 16 Fiber", Arthritis & Rheumatism, 2001, Vol. 44, pp. 570-577
	Dewar, R. et al. "Synthesis and Processing of Human Immunodeficiency Virus Type 1 Envelope Proteins Encoded by a Recombinant Human Adenovirus", Journal of Virology, 1989, Vol. 63, pp. 129-136
	Fitzgerald, J. et al. "A Simian Replication-Defective Adenoviral Recombinant Vaccine to HIV-1 Gag", Th Journal of Immunology, 2003, Vol. 170, pp. 1416-1422
	Amara, R. et al. "Critical Role for Env as well as Gag-Pol in Control of a Simian-Human Immunodeficience Virus 89.6P Challenge by a DNA Prime/Recombinant Modified Vaccinia Virus Ankara Vaccine", Journal Virology, 2002, Vol. 76, pp. 6138-6146
	Messmer, D. et al. "Endogenously Expressed <i>nef</i> Uncouples Cytokine and Chemokin Production from Membrane Phenotypic Maturation in Dendritic Cells", The Journal of Immunology, 2002, Vol. 169, pp. 4172-4182
•	Zhou, H. et al. "Development of a Complementing Cell Line and a System for Construction of Adenovirus Vectors with E1 and E2a Deleted", Journal of Virology, 1996, Vol. 70, pp. 7030-7038
<del></del>	

Examiner Signature	Date Considered	

idered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not income